

REMARKS

**Status Of Claims**

Claims 19-36 remain for examination.

**Objections To Claims**

Claims 19 and 35 are objected to for the reasons stated in paragraph 2 of the outstanding office action. By way of the instant amendment the basis for the rejections has been addressed and the claims amended to overcome the objections.

**Rejection under Sec. 112:**

Claims 19, 27 and 35 stand rejected under 35 USC 112 as reciting limitations not supported in the application as originally filed. The examiner's attention is directed to page 14, line 8 of applicant's application as originally filed. From this portion of the application it may be understood, in the language of claim 19, that the device ID is checked to confirm whether or not the device ID received in the second specific ATM cell is the same or equal to the acquired ID on first connection. Nevertheless, in order to expedite matters, applicant has amended claims 19, 27 and 35 (as well as claim 22) to replace the phrase "equal to" with the phrase - confirmed to be - which follows closely the language of the application as originally filed.

It is thus submitted that all of applicant's claims fully comply with the provisions of 35 USC 112.

**Prior Art Rejection**

Claims 19-22, 24-25, 27-30, 32-33 and 35-36 stand rejected under 35 USC 102 as anticipated by FRASS (WO99/07179) "read in associated Chinese Patent Application 0105390.6 (CPEL0050415)."

As clarified by a telephone discussion with the examiner held on October 1, 2004, the examiner is applying FRASS as a Sec. 102 reference, but since an English language

translation of the FRASS reference is not readily available to the examiner, the examiner has relied upon the statements by the Chinese examiner in applying FRASS to applicant's corresponding Chinese application. In this connection it should be noted that the rejection was presumably intended to indicate that FRASS is being applied in association with the Chinese examiner's comments regarding the application of FRASS in connection with the Chinese office action (submitted by applicant in an IDS) for Chinese application 0105390.6. As discussed in the interview, it was not known by the examiner what claims were exactly being rejected in the Chinese office action nor how these rejected claims related to applicant's currently or previously amended claims in the instant application. For a clear record, it should also be noted that the reference "CPEL0050415" is the Chinese Agent's reference number and not an official identifier of the Chinese application.

**Comments of the Chinese Examiner:**

The comments of the Chinese examiner, adopted the Examiner Mehra in interpreting FRASS and in rejecting applicant's claims, states that the network device KE is equivalent to the "network device" in applicant's claims and that the plurality of user devices KS is equivalent to the "plurality of user devices" in applicant's claims. Having made this correspondence, the Chinese examiner states that the user device KS transmits an ATM cell with a VPI value and that this transmission is equivalent to applicant's first specific ATM cell. The Chinese examiner then goes on to state that the network device KE receives the ATM cell from the user device KS, and transmits an ATM cell to the user device in response to this cell thereby setting up a communication connection. After that, the Chinese examiner states that the user device "holds said proper VPI", and the Chinese examiner apparently recognizes that FRASS lacks this teaching but deems it to be inherent.

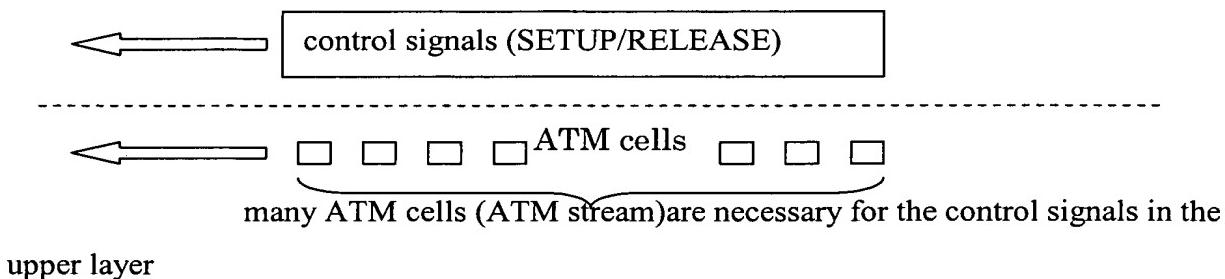
From the below discussion, it may be seen that the Chinese examiner's interpretation is not complete indeed appears to be incorrect. In the first instance, it would appear that the communication terminals KE would be more analogous to applicant's plurality of user devices and that the communication system KS would appear to be analogous to applicant's network device. Further, the Chinese examiner is either looking at completely different claims from that present in the instant application or is ignoring major claim recitations. In

particular, there is no mention in the Chinese examiner's comments nor in Examiner Mehra's comments as to applicant's device ID, the insertion by the user device of the specific VPI/VCI value in the header with the device ID in the information field to form the first specific ATM cell and the formation and transmission of the second ATM cell having the proper VPI and device ID inserted in the information field with the specific VPI/VCI values in the header. The detailed protocol adopted and claimed by applicant is explained below in reference to the Fig. B. Also shown below is Fig. A which gives an overview of the information set up routing as taught by FRASS.

**FRASS – Fig. A.**

The cited Reference (WO99/07179) is characterized by the use of the control signals such as SETUP for setting up a connection or RELEASE for releasing a connection as illustrated below in Fig. A.

As the cited Reference uses the control signals, the process is executed in the upper layer than the layer for sending and receiving the ATM cells. That is to say, many ATM cells are necessary for the control signals such as SETUP or RELEASE to be sent or received.



**Fig. A**

( An illustration of the cited Reference )

**Applicant's Invention – Fig. B.**

On the other hand, in reference to Fig. B below with the circled numbers correlating to Fig. B, the present invention, as recited in claim 19 is characterized by an ATM network system comprising: a network device; and a plurality of user devices,

wherein said network device receives from one of the plurality of user devices a first specific ATM cell (③)

which has a specific VPI value and a specific VCI value in its header and is loaded in an information field with a device ID for identifying said one of said plurality of user devices (I)

and transmits, to said one of said plurality of user devices, a second specific ATM cell (④)

which has the specific VPI value and the specific VCI value in its header and is loaded with the device ID and a proper VPI value on an information field, (II) and

said one of the plurality of user devices acquires the device ID from said network device on first connection, (①)

transmits the first specific ATM cell after the first connection with said network device, (②)

receives the second specific ATM cell, (⑤)

and holds the proper VPI value as its own VPI value when the device ID loaded in the second specific ATM cell is confirmed to be the acquired device ID. (III)

In reference to claim 27, an embodiment of the invention is characterized by a VPI value allocation method for an ATM network system including a network device and a plurality of user devices, which comprises the steps of:

an acquiring step for acquiring a device ID from said network device by one of said plurality of user devices on first connection to said network device; ( ① )

a first transmission step for transmitting, from said plurality of user device to said network device, a first specific ATM cell ( ② )

which has a specific VPI value and a specific VCI value in its header and is loaded with the device ID for identifying said one of said plurality of user devices on an information field; ( I )

a second transmission step for transmitting, to said one of said plurality of user devices, (in response to the first specific ATM cell( ③ )) a second specific ATM cell ( ④ )

which has the specific VPI value and the specific VCI value in its header and is loaded with the device ID and a proper VPI value on an information field; ( II ) and

a holding step for holding the proper VPI value as its own VPI value in said one of said plurality of user devices when the device ID loaded in the second specific ATM cell is confirmed to be the acquired device ID, ( III )

after receiving the second specific ATM cell. ( ⑤ )

Therefore the present invention can allocate VPI value by only sending and receiving the specific ATM cells using the specially defined procedure.

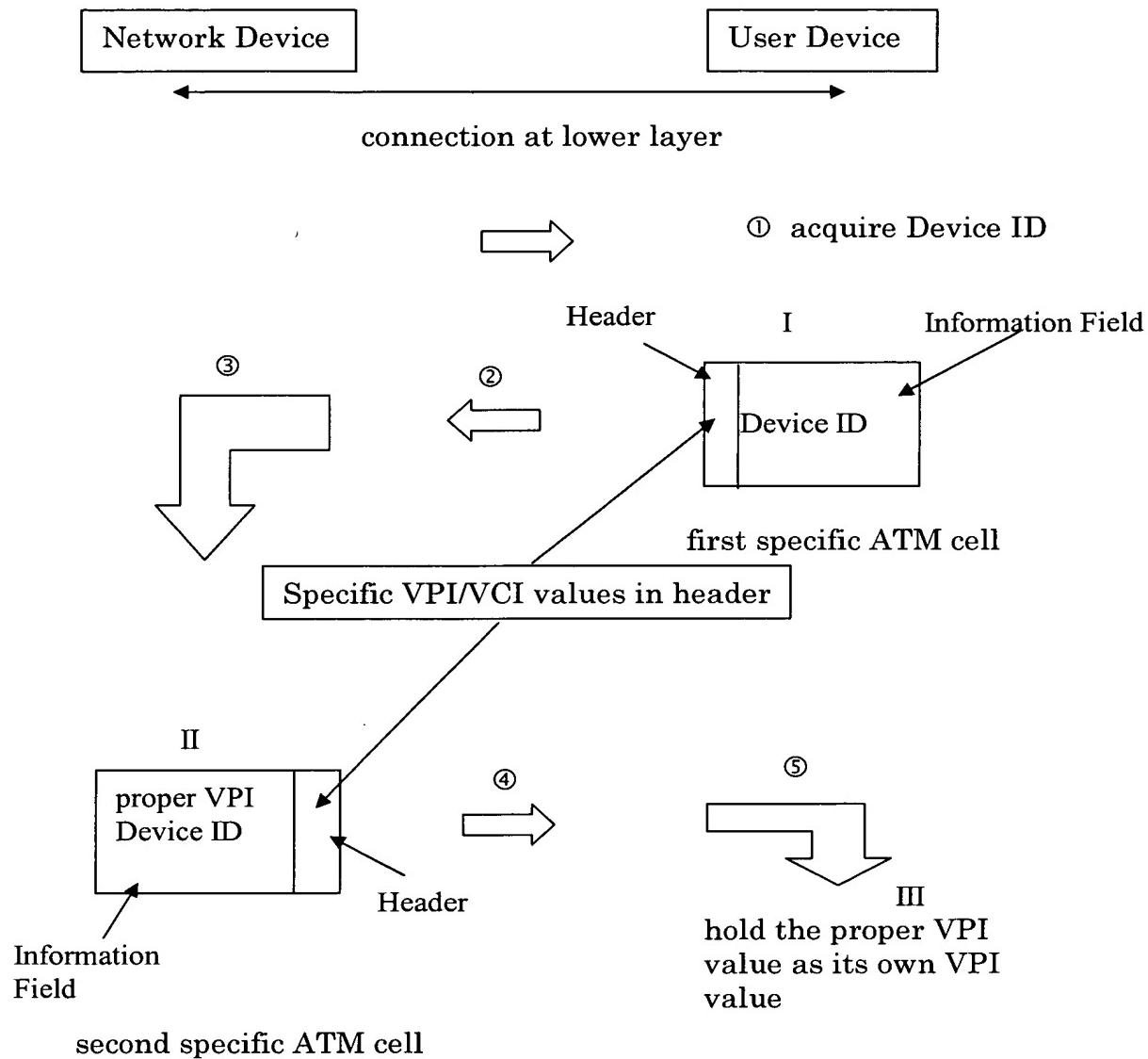


Fig. B

(An illustration of an embodiment of the Present Invention )

From the above Fig. B, it may be seen that applicants' claim 19 and 27 clearly define applicants' invention and distinguish same over the primary WO99/07179 reference.

It is submitted that applicant's claims clearly define the invention which may be readily understood in reference to applicant's Figure B set forth above which is a summary of the various steps recited in applicant's claims. Applicant's independent claims 19 and 27 have been annotated above so that the various recitations may be correlated with figure B presented above for convenience of the examiner.

Applicant's sole remaining independent claim 35 is somewhat broader than independent claims 19 and 27 but nevertheless recites the salient features of applicant's invention in reciting the acquiring step of acquiring a device ID on first connection from the network device to the one of the plurality of user devices and a sharing step for holding the VPI value in common by communication between the network device and the user device using a ATM cell which has a specific VPI value and a specific VCI value in its header and is loaded with the device ID for identifying the one of the plurality of user devices on an information field. As such, it is submitted that applicant's independent claim 35 likewise readily distinguishes applicant's invention from the prior art and is patentable thereover.

In view of the great differences between the FRASS reference and applicant's claimed invention, it is submitted that FRASS must be withdrawn as a Sec. 102 reference and that applicant's claims are patentable thereover.

Applicant's dependent claims are deemed to be patentable since they incorporate the limitations of the independent claims from which they depend. Thus, as to these dependent claims, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 USC 103.

#### **Submission of Translation of FRASS**

Submitted herewith is an English language translation of the FRASS reference. Applicant has also found and is enclosing herewith US patent 6252870 which is based on PCT/DE/98/02059 which corresponds to WO 99/07179.

According to these translations, the SETUP instructions are transmitted from one of the plural communication terminals KE to the TDM communication system KS via the

matching devices (or adapter devices) ANP and ANP'. The graph at the bottom of the figure shows the use of the VPI/VCI values inserted in the first SETUP instruction using the table TAB of the matching device ANP where rnr is the calling number stored in association with the VPI/VCI values. It may readily be seen that the setup protocols as taught by FRASS are quite different from those disclosed and specifically claimed by applicant. See for example Applicant's Fig. B herein and compare with the lower portion of the figure in FRASS. Specifically, there is no disclosure of applicant's acquiring of the device ID, the insertion by the user device of the specific VPI/VCI value in the header with the device ID in the information field to form the first specific ATM cell and the formation and transmission of the second ATM cell having the proper VPI and device ID inserted in the information field with the specific VPI/VCI values in the header.

**Conclusions:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By David A. Blumenthal

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